IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

CRP.No. 38 of 2007()

AGAINST THE ORDER OF HON'BLE DISTIRCT JUDGE, THRISSRU DATED 28.9.06 IN TOP.211/2006 of DISTRICT COURT, THRISSUR

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REVN. PETITIONER:

BRD FINANCE LTD., HAVING ITS
REGISTERED OFFICE AT THALAPPALLY TALUK
KUNNAMKULAM VILLAGE, DESOM, REPRESENTED BY
ITS MANAGER, GIGY VARGHESE, AGED 40 YEARS,
S/O.PULIKKOTTIL VAREED,
KUNNAMKULAM DESOM, VILLAGE.

BY ADV. SRI.NISHIN GEORGE VIJAYABABU
SMT.ANNAMMA PHILIP
SRI.P.PAULOCHAN ANTONY

RESPONDENTS:

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1. FR.JACOB AINIKKAL, AGED 73 YEARS,
S/O.AINIKAL ANTONY, RESIDING IN THOPPIL
PRIEST HOME, THRISSUR VILLAGE, TALUK.

2. JAMES, AGED 46 YEARS,
S/O. AVITTAPPILLY THARAKAN OUSEPH,
MATTATHUR VILLAGE, MUKUNDAPURAM.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

C.R.P.NO.38 OF 2007

DATED THIS THE 11th DAY OF JANUARY, 2007

ORDER

Petitioner is first respondent in T.O.P.211/06. First respondent filed the said transfer petition to get transferred different suits pending between the parties before Principal Munsiff Court, First Addl. Munsiff Court, Second Addl. Munsiff Court and Third Addl. Munsiff Court, Thrissur. As per order dated, 28.9.06, learned District Judge allowed the application and transferred the suits pending before Principal Munsiff Court, First Addl. Munsiff Court and Third Addl. Munsiff Court to Second Addl. Munsiff Court, Thrissur. That order is challenged in this revision petition.

2. Learned Counsel appearing for petitioner was heard.

3. Arguments of learned Counsel appearing for petitioner was that as only one transfer petition was filed to transfer several suits and no separate transfer petitions were filed to transfer the cases and no affidavit was filed, there is violation of Rule 57 of Kerala Civil Rules of Practice and therefore the order is to be set aside.

4. On hearing learned Counsel appearing for petitioner, I do not find any reason to interfere with the order passed by learned

District Judge. When different suits are pending before different Courts and that too in the same station, as per the order learned District Judge transferred all the cases to one Court. There is no direction for joint trial. No prejudice will be caused to petitioner by transferring the suits, which are pending before Principal Munsiff Court, First Addl. Munsiff Court and Third Addl. Munsiff Court to Second Addl. Munsiff Court, Thrissur.

In such circumstances, petition is dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

Acd